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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,964	10/31/2003	Paul Lindner	265-154	7599
23117	7590	08/04/2005	EXAMINER	
NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203			KIM, SANG K	
			ART UNIT	PAPER NUMBER
			3654	

DATE MAILED: 08/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/697,964	Applicant(s) LINDNER, PAUL	
	Examiner SANG KIM	Art Unit 3654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 June 2005.
 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) ☐ Claim(s) _____ is/are allowed.
 6) ☒ Claim(s) 1-19 is/are rejected.
 7) ☐ Claim(s) _____ is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date 10/31/03, 10/12/04.
 4) ☐ Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____
 5) ☐ Notice of Informal Patent Application (PTO-152)
 6) ☐ Other: _____

Election/Restrictions

Applicant's election with traverse of Species I, claims 1-17 and 19, in the reply filed on 6/13/05 is acknowledged. The traversal is on the ground(s) that the embodiment of figure 5 (Species II) makes use of the same inventive concept as that of figures 1-4 (Species I). This is found persuasive and claims 1-19 will be examined.

Claim Objections

Claims 1-19 are objected to because of the following informalities:

In claim 1:

Line 1, "Take-up device" should be --A take-up device--;

Line 2, "a contact roller (1)" should be --a contact roller (4)--;

Lines 7 and 9, "at least one bearing unit" should be --said at least one bearing unit--.

In claims 2-19, the term, "Take-up device" should be --the take-up device--.

Appropriate corrections are required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1-19 are indefinite and vague. Some of the examples are listed below:

In claim 1:

Claim 1 recites the limitation "the bending line" in line 10. There is insufficient antecedent basis for this limitation in the claim.

The term "flexurally soft" in claim 1, line 9 is a relative term which renders the claim indefinite. The term "flexurally soft" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

The term "a purposeful manner" in lines 10-11 is indefinite and vague. What constitutes a "purposeful manner"?

In claim 2:

A broad range or limitation together with a narrow range or limitation that falls within the broad range or limitation (in the same claim) is considered indefinite, since the resulting claim does not clearly set forth the metes and bounds of the patent protection desired. See MPEP § 2173.05(c). Note the explanation given by the Board of Patent Appeals and Interferences in *Ex parte Wu*, 10 USPQ2d 2031, 2033 (Bd. Pat. App. & Inter. 1989), as to where broad language is followed by "such as" and then narrow language. The Board stated that this can render a claim indefinite by raising a question or doubt as to whether the feature introduced by such language is (a) merely exemplary of the remainder of the claim, and therefore not required, or (b) a required feature of the claims. Note also, for example, the decisions of *Ex parte Steigewald*, 131 USPQ 74 (Bd. App. 1961); *Ex parte Hall*, 83 USPQ 38 (Bd. App. 1948); and *Ex parte*

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Hasche, 86 USPQ 481 (Bd. App. 1949). In the present instance, claim 2 recites the broad recitation "maximum 550 mm" and the claim also recites "maximum 400mm...300mm..etc.," which is the narrower statement of the range/limitation.

In claim 3:

The phrase, "force and/or acceleration" in line 2, and "bending line and/or damping" in lines 4-5 are indefinite and vague. Examiner cannot determine whether the features stated above are inclusive together or exclusive in alternative form.

In claim 5:

The phrase, "[said] at least one bearing unit 95) is made more flexurally soft than..etc.," is indefinite and vague. What constitutes "more flexurally soft"?

"the others areas" in line 3 has no proper antecedent basis.

In claim 9:

The phrase, "a base support (6)....and in or on...etc.," is indefinite and vague. What structural element is "in or on" the vertical bearing segment?

In claim 13:

Regarding claim 13, the phrase "piston-like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

Applicant is advised to check all the claims for additional errors, such as antecedent basis, indefiniteness and vagueness.

Allowable Subject Matter

Claims 1-19 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

The following is a statement of reasons for the indication of allowable subject matter:

The claims are patentable over the prior art of record because the teachings of the references taken as a whole do not show or render obvious the combination set forth in claim 1, including, A take-up device for winding plastic films, said take-up device comprising: a take-up roller (1) and a contact roller (4) pressing the plastic film (2) against the take-up roller (1) by means of a peripheral compressive surface; at least one bearing unit (5) acts between one ends of the contact roller (4) on its peripheral compressive surface and supports the contact roller (4); said at least one bearing unit (5) is adjustable in at least two directions which run perpendicular to one another; the contact roller (4) is made of a rubber material such that by moving said at least one bearing unit (5) causes a bending line of the contact roller (4) to adjust with respect to the plastic film. The prior art U.S. Patent '919 has a roller contacting the web to prevent air from lodging in the winding roll, but the prior art fails to show a bearing unit acting on a peripheral surface and supporting the contact roller at the same time and moving the contact roller in at least two directions which run perpendicular to one another. Thus, the prior art taken as a whole fails to disclose or render obvious the presently claimed invention.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SANG KIM whose telephone number is 571-272-6947. The examiner can normally be reached Monday through Friday from 8:00 A.M. to 5:30 P.M. alternating Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki, can be reached on (571) 272-6951. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SK

7/27/05


KATHY MATECKI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600